

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS BEALE, ) CIVIL ACTION NO. 1:13-15  
                  )  
Plaintiff,       ) JUDGE JOY FLOWERS CONTI  
                  )  
v.                )  
                  )  
JOHN WETZEL, Secretary of )  
Corrections, PA Department of )  
Corrections, et. al.,       )  
                  )  
Defendants.

**MEMORANDUM OPINION**

Pending before the court is a motion to enforce settlement agreement (ECF No. 240) filed by pro se plaintiff Thomas Beale (“Beale”). Defendants (collectively, the Department of Corrections (“DOC”)) filed a response in opposition to the motion (ECF No. 242). The motion is ripe for decision.

**Procedural History**

Beale is an inmate in the custody of the Pennsylvania Department of Corrections. Beale initiated a civil rights lawsuit in 2013, which the parties resolved by entering into a settlement agreement in August, 2018. One of the provisions in the settlement agreement was that Beale receive a second mattress. As explained in the opinion and order dated December 3, 2024 (ECF Nos. 238, 239), Beale was involved in a fight with another inmate at SCI-Chester and was transferred to SCI-Fayette.

Beale arrived at SCI-Fayette on January 31, 2025. Over the next several days, Beale made repeated requests for a second mattress, which were denied. Beale’s motion was filed on the court’s docket on February 18, 2025. Defendants represent that the next day, February 19,

2025, they received notice of Beale's motion and Beale received a second mattress that day. (ECF No. 242 at 2 & 242-1). The breach of the settlement agreement has been corrected and Defendants recognize their obligation to give Beale two mattresses in his cell until DOC number DM-4850 is complete.

Beale is demanding \$400 per day in liquidated damages as a result of the breach. The settlement agreement (ECF No. 235-1) does not provide for liquidated damages. Beale did not provide any evidence of actual damages arising from the lack of a second mattress for 19 days. Beale's citation to Pennsylvania Rule of Civil Procedure 229.1 is misplaced, because that Rule involves situations when "settlement funds are not delivered to the plaintiff within the time required."

### Conclusion

For the reasons set forth above, the motion to enforce the settlement agreement (ECF No. 240) will be DENIED as moot, in light of Defendant's prompt response in providing the second mattress and Defendant's representations that a second mattress will continue to be provided to Beale.

An appropriate Order will be entered.

Dated: March 20, 2025 BY THE COURT:

/s/ Joy Flowers Conti  
Hon. Joy Flowers Conti  
Senior United States District Judge